City Council Communication

Department: Community Development CASES #SUB-20-007, #SAV-20-005, #ZC-20-009 and #PR-20-002 Applicant: Knudson Companies 29 South Main Street Council Bluffs, IA 51503 Property Owner: North Shore Manawa Holdings LLC 29 South Main Street Council Bluffs, IA 51503 Engineer/Surveyor: Schemmer Associates Inc. 928 Valley View Drive, Suite 12 Council Bluffs, IA 51502	Resolution No. _____ Reso. of Intent No. _____ Reso. to Dispose No. _____ Ordinance No. _____ Resolution No. _____	CASE #ZC-20-009: 1st Consideration: 08/24/2020 2nd Consideration: 09/14/2020 3rd Consideration: 09/28/2020 CASE #SAV-20-005: Resolution of Intent: 08/24/2020 Resolution to Dispose: 09/24/2020 CASE #SUB-20-007: 09/24/2020 CASE #PR-20-002: 09/24/2020 Planning Commission: 8/11/2020

Subject/Title

Request: Combined public hearings on the request of Knudson Companies to rezone part of the NE ¼ of Section 14-74-44 from R-1/Single-family Residential District and R-3/Low Density Multi-family Residential District to R-1/Single-family Residential District and R-4/High Density Multi-family Residential District; vacate and dispose of 42nd Avenue right-of-way lying between South 13th Street and Indian Creek; along with preliminary subdivision plan approval of an 82-lot residential subdivision to be known as The Landing on Lake Manawa and to append a PR/Planned Residential Overlay and adopt the associated planned residential development plan for The Landing on Lake Manawa, all on property legally described as being that part of the NE ¼ NE ¼ of Section 14-74-44 lying south of 42nd Avenue and north of the State Park, except the east 244.5 feet along with the northerly 1055.66 feet of the NW ¼ NE ¼ lying east of Indian Creek, City of Council Bluffs, Pottawattamie County, Iowa.

Location: North of Lake Manawa, west of 1113 42nd Avenue

Background

The Community Development Department has received applications from Knudson Companies on property formerly known as Wooded Lake Mobile Home Park for (1) preliminary plan approval for an 82-lot residential subdivision to be known as The Landing on Lake Manawa; (2) to vacate and dispose of 42nd Avenue right-of-way lying between South 13th Street and Indian Creek; (3) to rezone the proposed subdivision to be known as The Landing on Lake Manawa from R-1/Single-Family Residential District and R-3/Low Density Residential District to R-1/Single-Family Residential District and R-4/High Density Residential District; and (4) to append a P-R/Planned Residential Overlay and adopt a planned residential development plan for the proposed subdivision to be known as the Landing on Lake Manawa.

The subject property formerly operated as a land-lease community until the previous owner, Wooded Lake Mobile Home Park, Limited LTD, discontinued leasing in the fall of 2012. In 2013, the City Council approved three requests from All Remodeling, Inc. to redevelop the subject property: (1) for preliminary plan approval for a 103-lot residential cluster subdivision to be known North Lake Village (see Case #SUB-13-004, Resolution No. 13-204); (2) to vacate and dispose of 42nd Avenue right-of-way located east of Indian Creek, except for the

East 244.5 feet (see Case #SAV-13-007, Resolution No. 13-203); and (3) to rezone part of the NE ¼ of Section 14-74-44 from R-1/Single-Family Residential District to R-3/Low Density Multifamily Residential District (see Case #ZC-13-007, Ordinance No. 6191). All Remodeling, Inc. subsequently relinquished their interest in the subject property, thus a final plat for North Lake Village was never executed by the City. Furthermore, since none of the abutting property owners purchased their portion of vacated 42nd Avenue right-of-way, the vacation was nullified and the land was rededicated to the City.

In 2018, Knudson Companies entered into a purchase agreement with Wooded Lake Mobile Home Park, Limited LTD to acquire the subject property and proposed to develop it as an 85-lot residential subdivision to be known as North Shore Subdivision. The proposed subdivision would have consisted of 75 single-family residential lots, two lots for multifamily residential construction, one outlot for stormwater management/community amenities, four open space outlots and three outlots for alley access to the proposed single-family lots (see Case #SUB-18-007). The applicant also requested to rezone the two multifamily residential lots to the R-4/High Density Multifamily Residential District and all single-family residential lots to the R-1/Single-Family Residential District (see Case #ZC-18-007). The Community Development expanded the request to append a P-R/Planned Residential Overlay on the two multifamily residential lots. Both requests were approved by the City Council, with the rezoning being subject to the execution of the North Shore Subdivision final plat and the adoption of a development plan (see Resolution No. 18-169 and Ordinance No. 6337). The Planning Commission approved the applicant's requests to extend the final plat filing deadline for North Shore Subdivision for one calendar year on May 14, 2019, and again on May 12, 2020.

The applicant has since obtained ownership of the subject property as North Shore Manawa Holdings LLC. Since the applicant is proposing to significantly alter the development of the proposed subdivision—modifications include reducing the total number of lots, increasing the size of the single-family residential lots, altering the multifamily component of the development, incorporating townhouse dwellings, adjusting the street layout, rearranging the community amenities and changing the name of the subdivision to The Landing on Lake Manawa—they are required to amend the approved preliminary plan prior to the execution of a final plat. A rezoning application has also been submitted by the applicant as the boundaries of the proposed R-1 and R-4 Districts are different than originally requested and approval of the previous rezoning request was subject to the City executing a final plat for North Shore Subdivision. The applicant is also requesting to append a P-R Overlay to the entire subdivision and adopt a planned residential development plan, which will establish standards for site development, architecture, landscaping, parking and signage. Along with these requests, the applicant intends to re-vacate 42nd Avenue right-of-way in order to incorporate the portion of said right-of-way abutting the subject property into the development of The Landing on Lake Manawa.

CASE #SUB-20-007

The proposed residential subdivision is comprised of 29.1 acres (1,267,958.99 square feet), more or less, of land and will consist of 82 lots and 11 outlots. The applicant proposes to develop Lots 1 through 56 as detached single-family dwellings, Lots 57 through 72 and 74 through 81 as townhouse dwellings, Lot 82 as multifamily apartment buildings and Lot 73 as a community clubhouse. The proposed outlots are intended to serve multiple functions for the common use of the subdivision, including trails, alleys, tree preservation, stormwater detention, a sanitary lift station and a dog park. Land will be dedicated for new public right-of-ways which will connect to South 13th Street and Wright Road/42nd Avenue and provide all lots with direct access to a public road. All lots will be fully served with utilities (e.g., sanitary/storm sewers, water, gas, electric, etc.). The applicant intends to develop the entire subdivision in one phase.

Comments

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, "but shall be deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat" (§14.11.060(D)—Subdivision Ordinance). A final plat application for the first phase must be filed within one year of the date of action by the City Council. A request for

extension may be made by the sub-divider in writing prior to the expiration date. One-year extensions are considered by the City Planning Commission.

2. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), as well as the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.
3. All proposed single-family residential lots comply with the minimum R-1/Single-Family Residential District lot size requirements.
   a. Proposed Lots 1 and 2 are considered cul-de-sac lots. As per Section 14.14.020(A)(10) of the Municipal Code (Subdivision Ordinance), "lot widths on cul-de-sacs shall be measured at the building setback line." The aforementioned lots exceed the minimum lot width requirement of the R-1 District as measured from the proposed building setback line.
   b. Proposed Lot 37 has an average lot width of 59.95 feet, which exceeds the minimum lot width requirement for corner lots in the R-1 District.
   c. Proposed Lot 52 has an average lot width of 68.37 feet, which exceeds the minimum lot width requirement for corner lots in the R-1 District.
4. For the purposes of determining minimum setback requirements, the rear lot line for Lots 1, 7 and 46 shall be determined as per Section 15.03.440, Lot Line, Rear, of the Municipal Code (Zoning Ordinance).
5. All proposed townhouse residential lots, with the exception of Lots 66, 67, 70 and 71, comply with the minimum R-4/High Density Residential District lot size requirements. Lots 66, 67, 70 and 71 each contain 2,406.35 square feet in area, more or less, as opposed to the required 2,500 feet for lots in which a townhouse dwelling unit is divided by a lot line coinciding with the common wall separating the units (§ 15.11.050 of the Council Bluffs Municipal Code). These lots shall be reconfigured to meet the R-4 District lot size requirements prior to final plat approval.
6. Proposed Lot 82 is planned to be developed with 140 multifamily residential dwelling units. As per Section 15.11.050, Site Development Regulations, R-4/High Density Multifamily Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance), the minimum lot size required to accommodate 140 dwelling units in the R-4 District is 110,250 square feet. Proposed Lot 82 contains approximately 231,068.85 square feet in land area.
7. The applicant intends to construct a 'community recreation services' facility on proposed Lot 73. This lot complies with the minimum R-4 District lot size requirements.
8. Outlot A is proposed to be used as a boardwalk, which will run adjacent to the rear lot line of Lots 57 through 72. The applicant is proposing to reserve Outlots B and C for tree preservation. Outlot D is proposed to be developed as a dog park. Outlots E, G, H, and J are proposed to serve as a north/south trail that will transect the two blocks bounded between North Landing Drive and Oxbow Drive to the north and south and between Midway Landing Drive and Kursal Drive to the east and west. Outlots F and I are proposed to be 20-foot wide private alleys that will be used to provide rear garage access to the residential dwellings on the abutting lots. Outlot K is proposed to be utilized for stormwater management for the subdivision. Ownership and maintenance of all proposed outlots shall be dedicated to the homeowner's association or management group on the final plat.
9. All residential, non-residential and accessory structures built on this subdivision shall comply with the development standards established in the planned residential development plan for The Landing on Lake Manawa (see Case #PR-20-002).
10. All proposed lots will have direct access to a public street. The applicant is proposing to dedicate the following new streets to the City of Council Bluffs: Ferry Landing Drive, Midway Landing Drive, North Landing Drive, Kursal Drive, Manhattan Drive and Oxbow Drive. The proposed public streets will be centered in a 50-foot wide right-of-way, with the exception of a portion of Ferry Landing Drive, which will be centered in a 60-foot wide right-of-way between its intersections with Wright Road/42nd Avenue and Midway Landing Drive. The subdivision will be accessed primarily through South 13th Street, which will connect to Ferry Landing Drive. Wright Road/42nd Avenue will serve as a second entrance road to the proposed subdivision via South 11th Street. The applicant is also proposing to improve South 13th Street, as well as the portion of Wright Road/42nd Avenue located east of South 13th Street (see Sheet C101 on

Attachment 'C'). Street names shall be reviewed and approved as part of the final plat procedure. All streets shall be built to City standards.

11. All lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.).
12. All utilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.
13. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each lot. Sidewalks shall also be required for each outlot—except for Outlots F and I— where they abut a public right-of-way, and shall be installed at the time of street construction. A sidewalk shall also be installed along the westerly right-of-way line of South 13th Street at the time of street construction. All sidewalks shall be built to City standards.
14. Street trees shall be planted along the frontage of each proposed lot (as shown on Sheet L100 of Attachment 'D') prior to issuance of a Certificate of Occupancy for each lot. All other street trees shall be planted at the time of street construction. All costs associated with the installation and maintenance of street trees shall be the responsibility of the developer and not the City. All proposed trees within the City's right-of-way shall be reviewed and approved by the Council Bluffs Public Works Department prior to installation.
15. The installation of the proposed boardwalk on Outlot A shall be phased to coincide with the issuance of the Certification of Occupancy for the respective abutting townhouse dwelling.
16. The construction of the north/south trail lying between North Landing Drive and Oxbow Drive (Outlots E, G, H and J) shall be phased to coincide with the issuance of the Certificate of Occupancy for the respective abutting residence on either side of the trail.
17. The private east/west alleys (Outlots F and I) shall be built prior to the execution of the final plat.
18. All future streetlights shall meet Public Works Department standards. All costs associated with the installation of streetlights shall be the responsibility of the developer and not the City.
19. The Permits and Inspections Division provided the following comments:
    a. The location of fat clay subsurface throughout the site will hinder the ability to construct basements in the proposed subdivision. Note: *The developer has acknowledged that the location of fat clay subsurface throughout the site will not allow basements to be built on this subdivision and has stated that all structures will be slab on-grade.*
    b. The multifamily apartment buildings and the community clubhouse will require specific engineering design for their support if the fat clay layer is designed to support their live and dead loads.
    c. In times of high water, the fat clay layer will accumulate groundwater above it (this condition is known as perched water) because of its ability to prevent said groundwater from seeping below, which can cause inundation problems for the pit of the elevators in the proposed multifamily apartment buildings. The architect for the project will work with the Permits and Inspections Division to determine how to flood proof said elevators.
20. The Public Works Department provided the following comments:
    a. The geotechnical report should be revised to be consistent with the new plan;
    b. The Public Works Department will continue to work with the Engineer of Record (EOR) on the following drainage items:
        i. Post-Construction Stormwater Management documentation and calculations;
        ii. Stormwater management – EOR will have to provide agreement with the Iowa Department of Natural Resources for drainage to Lake Manawa; and
        iii. Overall concept design and reporting.
    c. The Public Works Department will continue to work with the EOR on the following sanitary sewer items:
        i. Pump station design and standards; and
        ii. Discharge location from pump station.
        iii. The Public Works Department requests that the developer prepare an operation and maintenance manual for the pump station to be used by the homeowner's association or management group. If the pump station is public, the design, operation and maintenance will be required to meet City standards.

d. 408 permit needs to be processed through the Public Works Department with the U.S. Army Corp of Engineers.
e. Single-family and townhouse dwellings will need to be slab on-grade structures based on findings in the geotechnical report.
f. The private drives on proposed Lot 82 shall be identified and designed to be distinguished as 'private' through width changes, speed tables at sidewalk crossings and signage where said drives intersect a public street.
g. Outlots shall be dedicated to the homeowner's association or management group for the proposed subdivision.
h. Alley maintenance shall also be assigned to the homeowner's association or management group.

21. The Parks and Recreation Department provided the following comments:
    a. A 10-foot wide asphalt trail connector shall be installed from Veterans Memorial Highway to West Shore Drive. This connector will expand the Highway 275 Trail connectivity and provide a direct link to the new residential neighborhood (see Attachment 'J').
    b. A sidewalk which extends from the aforementioned trail eastward to the extent of the project shall be installed for future internal connectivity to the neighborhoods near Lake Manawa (see Attachment 'J').
22. The Fire Department stated they have no comments on these requests.
23. Council Bluffs Water Works stated they have been in contact with Schemmer Associates on the required main extensions for the subdivision. They also stated that they have no comments on the proposed rezoning or planned residential development plan.
24. MidAmerican Energy stated they have no objections to these requests. They also stated that the developers should contact MidAmerican Energy directly to discuss and identity any costs and timelines associated with the relocation of existing MidAmerican Energy electric facilities and extension of new facilities to serve the development.
25. Cox Communications stated that they have a power supply and node on the subject property that provide services to a large area. They also provided a map of Cox utilities affected by the proposed development (see Attachment 'K').

CASE #SAV-20-005

The portion of 42nd Avenue proposed to be vacated is improved but is not accessible to vehicular and/or pedestrian traffic. It measures approximately 66 feet in width by 1330 feet in length. As stated above, the applicant intends to incorporate the subject right-of-way into the subdivision to be known as The Landing on Lake Manawa.

On August 25, 2003 the City Council amended the adopted *Policy and Procedures for Alley, Street and Right-of-way Vacations.* The objectives of the amended Policy are as follows:

1. *To provide due process and citizen participation in the application and review process for vacations*.
   The property owners with land that abuts the subject right-of-way are as follows:

   North: An RV sales and rental establishment owned by Leach Camper Sales, Inc. (1629 Veterans Memorial Highway)
   A truck terminal owned by G.A.C.H. LLC (1403 Veterans Memorial Highway)
   Vacant lot owned by SML Management LLC (1301 Veterans Memorial Highway)
   South: Vacant lot, formerly Wooded Lake Mobile Home Park, owned by North Shore Manawa Holdings LLC

   All abutting property owners were mailed petitions asking if they are in favor of/opposed to the vacation request and if they were willing to/not willing to acquire the portion of right-of-way adjacent to their property, if vacated. Responses to these petitions are summarized in Comment #10 below.

2. *To ensure that no property owner is deprived of required and reasonable access*.
   All abutting properties located north of the subject right-of-way have frontage on Veterans Memorial Highway. The proposed vacation will not deprive the property located south of the subject right-of-way from reasonable access as said property will still have access to South 13th Street and the east portion of 42nd Avenue, which will remain as a publically dedicated right-of-way. As part of the platting of The Landing on Lake Manawa, the applicant will construct six public streets, which will provide all proposed lots with direct access to at least one public right-of-way and will be connected to the existing street network via South 13th Street and Wright Road/42nd Avenue.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way*.
   This request will eliminate a dead-end street, as the request is to vacate the portion of 42nd Avenue right-of-way that currently dead ends at Indian Creek.

4. *To reduce or eliminate hazardous and dangerous traffic conditions*.
   The subject right-of-way is not used for vehicular and/or pedestrian traffic.

5. *To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.*
   All City Departments and utilities were notified of the request. The following responses were received:

   a. Council Bluffs Water Works stated they have no public water mains located within the subject right-of-way.
   b. MidAmerican Energy Company stated that an easement over the subject right-of-way shall be retained in order to access and operate any existing electric facilities within said right-of-way.
   c. Cox Communications stated that they have utilities in the subject right-of-way (see Attachment 'K').

6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.*
   Not applicable.

7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.*
   The request is to vacate the entirety of 42nd Avenue right-of-way lying between Indian Creek and South 13th Street.

8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.*
   The request is consistent with the local access and circulation objectives stated in Chapter 6, Transportation of the Bluffs Tomorrow: 2030 Plan (comprehensive plan).

9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.*
   Not applicable.

10. *To establish an equitable price for surplus public property.*
    All abutting property owners were notified about this vacation request. The following responses were received:

    a. North Shore Manawa Holdings LLC stated they are in favor of the request and are willing to acquire the portion of 42nd Avenue right-of-way adjacent to their property for the total sum of $20,124.62.
    b. SML Management LLC stated they are in favor of the request and are willing to acquire the portion of 42nd Avenue right-of-way adjacent to their property for the total sum of $3,417.88.
    c. G.A.C.H. LLC stated they are in opposition of the request, but are willing to acquire the portion of 42nd Avenue right-of-way adjacent to their property for the total sum of $1,475 if it is vacated.

d. Leach Camper Sales Inc. stated they are in favor of the request and are willing to acquire the portion of 42nd Avenue right-of-way adjacent to their property for the total sum of $12,371.66.

As stated above, the owner of said property, SML Management LLC, has indicated that they are willing to acquire their portion of the subject right-of-way. The applicant, Knudson Companies, has stated that they have a purchase agreement with SML Management LLC to acquire 1301 Veterans Memorial Highway, but at the time of this report, they do not have ownership of said property. The Landing on Lake Manawa preliminary plan shows that the North ½ of the subject right-of-way abutting 1301 Veterans Memorial Highway will be incorporated into the design of proposed Lot 82. The Community Development Department recommends that the applicant either (1) acquire the North ½ of 42nd Avenue right-of-way abutting 1301 Veterans Memorial Highway from SML Management LLC after the subject right-of-way has been vacated and disposed of by the City, or (2) revise the boundaries of proposed Lot 82 prior to a final plat being executed by the City.

CASE #ZC-20-009

The subject property is currently split-zoned R-1/Single-Family Residential District and R-3/Low Density Multifamily Residential District. The applicant intends to rezone the westerly portion of the subject property to the R-1/Single-Family Residential District and the easterly portion to the R-4/High Density Multifamily Residential District, as shown on Sheet C002 on Attachment 'C.' A P-R/Planned Residential Overlay is proposed to be appended to the subject property along with the proposed rezoning (see Case #PR-20-002). The legal descriptions for the portions of the subject property to be rezoned R-1 and R-4 are shown on Attachments 'G' and 'H,' respectively.

Land Use and Zoning – The following zoning and land uses surround the subject property:

North: An RV sales and rental establishment, a truck terminal and vacant land, all of which are zoned C-2/Commercial District.

South: Residential properties that are zoned R-1/Single-Family Residential District, and Lake Manawa, which is zoned A-1/Open Space Conservation District.

East: Residential properties that are zoned R-1/Single-Family Residential District, and Lake Manawa, which is zoned A-1/Open Space Conservation District.

West: Indian Creek bounds the western boundary of the subject property.

The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as Medium- and High-Density Residential.

Public notices were mailed to all property owners within 200 feet of the request. The following comment was received:

1. Rodger Reelfs, owner of the property addressed as 95 Pelican Drive, contacted the Community Development Department. Mr. Reelfs had several general inquiries relative to The Landing on Lake Manawa cases.
2. John H. Jerkovich, representing Western Iowa Investments LLC, the owner of the property addressed as 1113 42nd Avenue, submitted a letter to the Community Development Department expressing their support of the proposed development (see Attachment 'L').

Discussion

1. Proposed Lots 1 through 56 will be zoned R-1/Single-Family Residential District. Each lot will be developed with a detached single-family dwelling. These lots exceed the minimum lot size requirements of the R-1 District.
2. Proposed Lots 57 through 82 will be zoned R-4/High Density Multifamily Residential District. Lots 57 through 72 and 74 through 81 will be developed as townhouse dwellings. All proposed townhouse residential lots, with the exception of Lots 66, 67, 70 and 71, comply with the minimum lot size requirement for lots in which a townhouse dwelling unit is divided by a lot line coinciding with the common wall separating the

units. Proposed Lots 66, 67, 70 and 71 shall be reconfigured to meet the minimum lot size requirements of the R-4 District prior to final plat approval.

3. The applicant is proposing to construct a combined total of 140 multifamily dwelling units on proposed Lot 82, which requires a minimum lot size of 110,250 square feet. Proposed Lot 82 contains approximately 231,068.85 square feet in land area.
4. Proposed Lot 73 will be developed as a 'community recreation services' facility. A 'community recreation services' facility is a principal use in the R-4 District. This lot exceeds the minimum lot size requirements of the R-4 District.
5. Proposed Outlots B through K will be zoned R-1/Single-Family Residential District and will be used as community amenities.
6. Proposed Outlot A will be split-zoned R-1/Single-Family Residential District and R-4/High-Density Residential District. The Community Development Department finds that this will not have an adverse impact on the surrounding properties.
7. The applicant is proposing to append a P-R/Planned Residential Overlay to the entirety of the proposed subdivision. A planned residential development plan which establishes standards for site development, architecture, landscaping, parking and signage will be adopted as part of this development.
8. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the southerly portion of the subject property Medium-Density Residential and the northerly portion as High-Density Residential. The proposed rezoning is consistent the Future Land Use Plan.
9. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the R-1 and R-4 Districts.

Case #PR-20-002

Section 15.28.010, Statement of Intent, P-R/Planned Residential Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance) states that "the planned residential overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of the requirements of the underlying zone would not be inconsistent with the Comprehensive Plan or harmful to the neighborhood in which it is located." The applicant proposes to append a P-R/Planned Residential Overlay to the entire subdivision to be known as The Landing on Lake Manawa in order to regulate the design and layout of the proposed development.

1. Site Development

a. The minimum tract of land required for P-R Overlay is 1.5 acres. The subject property contains 29.1 acres, which exceeds the minimum lot size requirement of the P-R Overlay.
b. The minimum front yard setback required for principal structures on Lots 1 through 23 and 53 through 56 shall be 20 feet.
    i. Lot 55 is an irregularly shaped lot. For the purposes of determining minimum setback requirements, the property line (arc length: 85.07 feet) which abuts the portion of Ferry Landing Drive that converts into Kursal Drive shall be considered the front lot line and the property line (length: 102.60 feet) which abuts Ferry Landing Drive shall be considered a street side lot line.
c. The minimum front yard setback required for principal structures on Lots 24 through 52 shall be 10 feet to accommodate for parking in the rear yard, which will be accessed via private alleys (Outlots F and I) abutting the rear lot line of said lots.
d. The minimum front yard setback required for accessory structures on Lots 1 through 56 shall be the greater of the front yard setback established above or the existing front setback line of the principal structure.
e. All structures on Lots 1 through 56 shall meet the minimum interior side yard, street side yard and rear yard setback requirements established in Section 15.08B.050, Site Development Regulations, R-1/Single-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance).

f. All structures on Lots 57 through 81 shall meet the minimum setback requirements established in Section 15.11.050, Site Development Regulations, R-4/High Density Multifamily Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance).
g. The minimum perimeter setback for all structures on Lot 82 shall be 10 feet.
h. The maximum height and lot coverages for all structures shall comply with the development standards of the underlying zoning district.
i. All trash receptacles on Lots 73 and 82 visible from a public right-of-way shall be enclosed on three sides with a masonry, wood, or vinyl fence and shall be have a lockable gate that when closed completely eliminates view of the dumpster.
j. All fencing in the subdivision shall comply with the standards stated in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
k. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.
l. The internal sidewalk/pedestrian way network for Lot 82 is shown on Sheet C101 of Attachment 'D.' Sidewalk installation shall be phased to coincide with the construction of their respective multifamily apartment building.
m. A 10-foot wide asphalt trail connector shall be installed from Veterans Memorial Highway to West Shore Drive at the time of street construction.
n. No outdoor lighting is shown on the development plan. Any proposed outdoor light poles shall be constructed out of painted or finished aluminum or steel. Wood poles shall not be accepted. The maximum height shall not exceed 25 feet. All exterior lighting shall conform to Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).

2. Off-Street Parking

a. The required number of off-street parking spaces for all proposed uses shall be based on the standards stated in Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance).
    i. The required number of off-street parking spaces for townhouse dwellings is two spaces per dwelling unit.
        - Each three-bedroom townhouse dwelling unit will be constructed with a two-stall garage, as per the submittal floor plans on Sheet A103 of Attachment 'D.'
        - Each two-bedroom townhouse dwelling unit will be constructed with a one-stall garage, as per the submitted floor plans on Sheet A103 of Attachment 'D.' An additional parking space no less than 162 square feet in area, with dimensions of 9 feet by 18 feet, shall be allowed in the front yard for each two-bedroom townhouse dwelling unit (Lots 58, 59, 62, 63, 66, 67, 70, 71, 75, 76, 79 and 80). Parking in the front yard shall only be allowed on a paved driveway.
    ii. The multifamily component of the development will consist of 16 studio apartment units, 64 one-bedroom apartment units and 60 two-bedroom apartment units. Based on the unit types proposed by the applicant and the standards established in Section 15.23.060, Parking Spaces Required, of the Municipal Code (Zoning Ordinance), a total of 170 parking spaces are required on Lot 82. Sheet C101 of Attachment 'D' shows a total of 171 spaces will be provided through a combination of surface and covered parking.
    iii. The required number of off-street parking spaces for 'clubs and lodges' is one space per four person capacity. Sheet C101 of Attachment 'D' shows seven parking spaces will be provided for the community clubhouse. The Community Development Department finds that the proposed amount of parking on Lot 73 is sufficient as the clubhouse will be primarily used by the residents of the proposed neighborhood who can walk or bike to the facility. Additionally, a sufficient amount of land is available to accommodate additional off-street parking in the future.

b. All off-street parking areas, driveways and drive aisles shall comply with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).
c. All off-street parking lots shall comply with Chapter 661-18, Parking for Persons with Disabilities, of the Iowa Administrative Code.
d. Bicycle parking shall be provided at a minimum rate of one-half space per multifamily dwelling unit. Since the applicant is proposing 140 multifamily units on Lot 82, the required number of bicycle spaces shall be 70. Bicycle parking may be provided indoors, outdoors or a combination thereof, on both Lots 73 and 82. Outdoor bicycle parking must be on a hard-surface.
e. A parking lot permit must be submitted with the building permit application for the multifamily apartment buildings and the community clubhouse, and shall include the number, location, and dimension of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas and lighting.
f. All grading and drainage activity for this development shall be completed in accordance with the approved final plans.

3. Architecture

a. All structures constructed on this subdivision shall be slab on-grade.
b. No architectural renderings were submitted for the detached single-family dwellings. The architectural design of the single-family dwellings shall be compatible with the development of the rest of the subdivision and the residential neighborhoods in the vicinity.
c. As per the submitted letter of intent, the proposed townhouse dwellings and multifamily apartment buildings will exhibit modern 'prairie' style architecture. Building materials will consist of a combination of masonry veneer and fiber-cement board boards and panels. The architectural renderings shown on Sheets A102 and A104 of Attachment 'D' are generally acceptable and shall be adopted as proposed.
d. The architectural design of the clubhouse shall be compatible with the architectural style of the townhouse dwellings and the multifamily apartment buildings.
e. The architectural design of any accessory structures built on this subdivision shall be compatible with the general appearance of the principal structure on-site.
f. All roof-mounted mechanical equipment shall be screened from the public view with architectural features. The conceptual architectural renderings on Sheet A102 of Attachment 'D' show that the roof-mounted mechanical units on the multifamily apartment buildings will be screened with a single-sloped roof.
g. No ground-mounted mechanical equipment is shown on the submitted architectural renderings. Any ground-mounted mechanical equipment installed on Lots 73 and 82 shall be screened with fencing or landscaping from public view. Any ground-mounted mechanical equipment installed on Lots 57 through 72 and 74 through 81 shall be located in the rear yard or screened with fencing or landscaping from public view.

4. Landscaping

a. The landscaping plan on Sheet L100 of Attachment 'D' shows a mixture of understory, overstory and evergreen trees will be planted throughout the subdivision. Several existing trees will be preserved as part of this development. The proposed landscaping plan is generally acceptable and shall be adopted as proposed with the following modifications:
    i. Landscaping shall not impede the vision of any automobile traffic entering/exiting or circulating throughout the subdivision.
    ii. All proposed landscape plantings shall comply with the Council Bluffs Master Street Tree Plan.
    iii. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year.
b. Street trees shall be planted along the frontage of each proposed lot (as shown on Sheet L100 of Attachment 'D') prior to issuance of a Certificate of Occupancy for each lot. All other street trees shall be planted at the time of street construction.

5. Signage

a. A signage plan was not submitted with the development plan. All signage (detached and attached) shall comply with Section 15.33.160(C), P-R/Planned Residential District Sign Regulations, of the Municipal Code (Zoning Ordinance).

Recommendation

The Community Development Department recommends the following:

1. Approval of the preliminary plan for an 82-lot residential subdivision to be known as The Landing on Lake Manawa, subject to the following conditions:
   a. Approval of the preliminary plans is tentative and does not constitute acceptance of the final plat, but is "deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat" (§14.11.060(D)—Subdivision Ordinance).
   b. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.
   c. All utilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.
   d. Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a Certificate of Occupancy for each lot. Sidewalks shall also be required for each outlot—except for Outlots F and I— where they abut a public right-of-way, and shall be installed at the time of street construction. A sidewalk shall also be installed along the westerly right-of-way line of South 13th Street at the time of street construction.
   e. The applicant shall be required to (1) acquire the North ½ of 42nd Avenue right-of-way abutting 1301 Veterans Memorial Highway from SML Management LLC after said portion of right-of-way has been vacated and disposed of by the City, or (2) revise the boundaries of proposed Lot 82 prior to a final plat being executed by the City.

2. Approval of the request to vacate and dispose of 42nd right-of-way lying between Indian Creek and South 13th Street, subject to an easement being be retained over the subject right-of-way for utility access and maintenance purposes and all portions of the alleyway being be disposed of to an abutting property owner(s).

3. Approval of the request to rezone property legally described on Attachment 'G' from a combination of R-1/Single-Family Residential District and R-3/Low Density Multifamily Residential District to R-1/Single-Family Residential District, and to rezone property legally described on Attachment 'H' from a combination of R-1/Single-Family Residential District and R-3/Low Density Multifamily Residential District to R-4/High Density Multifamily Residential District, based on the reasons stated above and subject to final plat approval of The Landing on Lake Manawa.

4. Approval of the request to append a P-R/Planned Residential Overlay and to adopt a planned residential development plan for The Landing on Lake Manawa, subject to the following condition:
   a. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

Public Hearing

Staff speaker for the request:
1. Moises Monrroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. Matt Sutton, 928 Valley View Drive, Suite 112, Council Bluffs, IA 51503
2. Michael Townsend, 29 South Main Street, Council Bluffs, IA 51503
3. Rodger Reelfs, 95 Pelican Drive, Council Bluffs, IA 51501

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended:
1. Approval of the preliminary plan for an 82-lot residential subdivision to be known as The Landing on Lake Manawa, subject to the following conditions:
   a. Approval of the preliminary plans is tentative and does not constitute acceptance of the final plat, but is "deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat" (§14.11.060(D)—Subdivision Ordinance).
   b. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.
   c. All utilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.
   d. Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a Certificate of Occupancy for each lot. Sidewalks shall also be required for each outlot—except for Outlots F and I— where they abut a public right-of-way, and shall be installed at the time of street construction. A sidewalk shall also be installed along the westerly right-of-way line of South 13th Street at the time of street construction.
   e. The applicant shall be required to (1) acquire the North ½ of 42nd Avenue right-of-way abutting 1301 Veterans Memorial Highway from SML Management LLC after said portion of right-of-way has been vacated and disposed of by the City, or (2) revise the boundaries of proposed Lot 82 prior to a final plat being executed by the City.

2. Approval of the request to vacate and dispose of 42nd right-of-way lying between Indian Creek and South 13th Street, subject to an easement being be retained over the subject right-of-way for utility access and maintenance purposes and all portions of the alleyway being be disposed of to an abutting property owner(s).

3. Approval of the request to rezone property legally described on Attachment 'G' from a combination of R-1/Single-Family Residential District and R-3/Low Density Multifamily Residential District to R-1/Single-Family Residential District, and to rezone property legally described on Attachment 'H' from a combination of R-1/Single-Family Residential District and R-3/Low Density Multifamily Residential District to R-4/High Density Multifamily Residential District, based on the reasons stated above and subject to final plat approval of The Landing on Lake Manawa.

4. Approval of the request to append a P-R/Planned Residential Overlay and to adopt a planned residential development plan for The Landing on Lake Manawa, subject to the following condition:
   a. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 VACANT 0 Motion: Carried

Attachments

Attachment A: Location/Zoning Map
Attachment B: Letter of Intent
Attachment C: The Landing on Lake Manawa Preliminary Plan
Attachment D: The Landing on Lake Manawa Development Plan
Attachment E: Parcel #744414202001 Legal Description
Attachment F: Legal Description of Portion of 42nd Avenue Right-of-Way Proposed to be Vacated
Attachment G: Proposed R-1/Single-Family Residential District Legal Description
Attachment H: Proposed R-4/High Density Multifamily Residential District Legal Description
Attachment I: Preliminary Drainage Study
Attachment J: Proposed Trail Connections (Parks and Recreation Department)
Attachment K: Cox Communications Utility Location/Service Area Map
Attachment L: Letter of Support from Western Iowa Investments, LLC

Prepared by: Moises Monrroy, Planner, Community Development Department